

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to motor vehicle registration and titling and window tinting and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 400, “Vehicle Registration and Certificate of Title,” and Chapter 450, “Motor Vehicle Equipment,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 307.12 and section 321.438 as amended by 2021 Iowa Acts, Senate File 342, section 53.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321.438 as amended by 2021 Iowa Acts, Senate File 342, section 53; section 322.19A as amended by 2021 Iowa Acts, Senate File 444, section 4; and section 633A.4604 as amended by 2021 Iowa Acts, Senate File 173, section 1.

#### *Purpose and Summary*

This proposed rule making updates Chapters 400 and 450 to conform the rules with 2021 legislation. The proposed amendments incorporate legislative changes to the vehicle registration and titling process, as well as to motor vehicle equipment requirements. 2021 Iowa Acts, Senate File 173, section 1, clarifies the required contents of a certification of trust, which is created for the purpose of demonstrating the existence of a trust and can be used by the Department when registering or titling a vehicle subject to a trust. 2021 Iowa Acts, Senate File 444, section 4, eliminates a provision from the Iowa Code that would have reduced by \$25 the documentary fee a person pays when purchasing a vehicle from a dealer upon the Department’s implementation of the Electronic Registration and Titling (ERT) system. 2021 Iowa Acts, Senate File 342, section 53, exempts persons operating motor vehicles owned or leased by federal, state, or local law enforcement agencies from Iowa’s window tinting laws.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact besides that of the legislation it is intended to implement.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 18, 2022. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Government and Community Relations  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on January 20, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 18, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **400.3(17)“d”** as follows:

*d.* In addition to the documentary fee authorized under Iowa Code section 322.19A, an end user that is a motor vehicle dealer licensed by the department under Iowa Code chapter 322 or 322C may pass and charge to a customer the fees or costs incurred by the motor vehicle dealer to submit the customer's application through an ERT service provider's services as a third-party cost or fee ~~under Iowa Code section 322.19A(1)~~, provided that the motor vehicle dealer discloses the charge to the customer before submitting the application. The documentary fee charged by the motor vehicle dealer shall not exceed the amount authorized by Iowa Code section ~~322.19A(3)~~ 322.19A. Neither the ERT service provider nor the motor vehicle dealer shall charge a customer for creation or delivery of a “registration applied for” card.

ITEM 2. Amend subrule 400.4(9) as follows:

**400.4(9) Applications in the name of trusts.** An application in the name of a trust shall be accompanied by a copy of all documents creating or otherwise affecting the trust or by the certification of trust as defined in Iowa Code section 633A.4604.

*a.* The certification of trust may be signed by any trustee or the attorney for any trustee.

*b.* The application shall be signed by the number of trustees as specified in the trust agreement ~~or the certification of trust~~, and the applicant shall provide the department with the document or the certification of trust specifying the required signatories for the trust. ~~If neither the trust nor the certification of trust specifies the required signatories, the application may be signed by any trustee or attorney for the trustee. Each signature on the application shall be followed by the words “as trustee” or “as attorney for the trustee.”~~

*c.* If a certification of trust is provided, one of the following shall apply:

(1) Any currently acting trustee may sign the application if the certification of trust states that such trustee may act individually.

(2) A majority of the trustees must sign the application if the certification of trust states that the trustees must act by majority decision.

(3) All currently acting trustees must sign the application if the certification of trust states that the trustees must act by unanimous decision.

d. A certification of trust must meet the requirements of Iowa Code section 633A.4604, including but not limited to providing the names of all the currently acting trustees. If there are two or more currently acting trustees, the certification of trust must state whether the trustees may act individually, whether the trustees must act by majority decision or whether the trustees must act by unanimous decision. If the certification of trust does not meet said requirements, the certification of trust will be considered invalid for the purposes of the application.

e. Each signature on the application shall be followed by the words “as trustee.”

ITEM 3. Amend rule **761—400.4(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.20, 321.23, 321.24, 321.30, 321.31, 321.45 to 321.50, 321.67, 321.515, 321.519, ~~and~~ 322.3 and 633A.4604.

ITEM 4. Amend paragraph **400.14(3)“b”** as follows:

b. When a vehicle is owned by a trust, the title shall be accompanied by a copy of all documents creating or otherwise affecting the trust or by the certification of trust as defined in Iowa Code section 633A.4604.

(1) The certification of trust may be signed by any trustee or the attorney for any trustee.

(2) The title shall be signed by the number of trustees as specified in the trust agreement ~~or the certification of trust as defined in Iowa Code section 633A.4604~~, and the transferor shall provide the department with the document or the certification of trust specifying the required signatories for the trust. ~~If neither the trust nor the certification of trust specifies the required signatories, the title may be signed by any trustee or attorney for the trustee. Each signature on the title shall be followed by the words “as trustee” or “as attorney for the trustee.”~~

(3) If a certification of trust is provided, one of the following shall apply:

1. Any currently acting trustee may sign the title if the certification of trust states that such trustee may act individually.

2. A majority of the trustees must sign the title if the certification of trust states that the trustees must act by majority decision.

3. All currently acting trustees must sign the title if the certification of trust states that the trustees must act by unanimous decision.

(4) A certification of trust must meet the requirements of Iowa Code section 633A.4604, including but not limited to providing the names of all the currently acting trustees. If there are two or more currently acting trustees, the certification of trust must state whether the trustees may act individually, whether the trustees must act by majority decision or whether the trustees must act by unanimous decision. If the certification of trust does not meet said requirement, the certification of trust will be considered invalid for the purposes of the transfer.

(5) Each signature on the title shall be followed by the words “as trustee.”

ITEM 5. Amend rule **761—400.14(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.20, 321.24, 321.45, 321.47, 321.49, ~~and~~ 321.67 and 633A.4604.

ITEM 6. Amend subrule 450.1(1) as follows:

**450.1(1)** Information and forms for vehicle registration and certificate of title may be obtained from the county treasurer or by mail from the ~~Vehicle and Motor Carrier Services Bureau~~ Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at Iowa Department of Transportation, 6310 SE Convenience ~~Boulevard~~ Blvd., Ankeny, Iowa; by telephone at (515)237-3264; or on the department’s website at www.iowadot.gov.

ITEM 7. Amend subrule 450.7(1) as follows:

**450.7(1) Prohibition.** ~~Pursuant to~~ Except as provided in Iowa Code subsection section 321.438(2), a person shall not operate on the highway a motor vehicle equipped with a front windshield, a side window to the immediate right or left of the driver (front side window) or a sidewing forward of and to the left or right of the driver (front sidewing) which is excessively dark or reflective.